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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,990	12/28/2001	Juergen Fahrenbach	852/50752	3784

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EXAMINER

NGUYEN, JIMMY T

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 10/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/028,990

Applicant(s)

FAHRENBACH, JUERGEN

Examiner

Jimmy T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

The specification is objected to under 37 CFR 1.71 as not clearly describing the subject matter. Page 7, line 15 to page 8, line 9, it is not clear of how the arrangement of link elements 20a and 20b of the outer slide 2a is working with the arrangement of the link elements 5a and 5b of the inner slide 2b, and what drive the link elements 20a and 20b. If both sets of link elements 20a, 20b and 5a, 5b are driven by the same driving device (3), how do they connect together in order to make it work?

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3-10 and 18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 3, lines 5-6, the specification does not support “hinge points respectively situated between the connection levers and the two first levers”. It is suggested that the claim should recite, “hinge points are respectively situated between the first lever and the second lever”.

Regarding claim 10, see discussion in the objection to the specification above.

Regarding claim 18, there is no antecedent basis for “the at least one slide has slides arranged” in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-10, 12, and 14-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In general, the claims are replete with indefiniteness and unclear, rendering a clear understanding difficult. For example:

Regarding claim 3, lines 5 and 6 recite the limitation "the two first levers". There is insufficient antecedent basis for this limitation in the claim. It is suggested that the claim should recite, “the first and the second lever”.

Regarding claim 7, line 2 recites the limitation “ the at least one driving device”. There is insufficient antecedent basis for this limitation in the claim. There is only one driving device (3) in claim 1.

Regarding claim 9, it is not clear how many knee link elements are claimed and how they are connected together. It is suggested that applicant should claim all of the knee link elements as a first knee link element, a second knee link element, a third knee link element, etc.... to avoid structural confusion.

Regarding claim 10, it is unclear how all of the claimed knee link elements are related to each other. It is suggested that the applicant should claim the set of knee link element a first set of knee link elements, a second set of knee link elements, a third set of knee link elements, etc... instead of “another knee link element” to avoid structural confusion.

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Regarding claims 12 and 14, the claims are confusing, it is not clear of which “the other of the two knee link elements” applicant is referring to. It is suggested that the claim should recite a plurality of two knee link elements as a first two knee link elements and a second two knee link elements to avoid further confusion.

Regarding claims 15-17, there is insufficient antecedent basis for “the connection elements” in the claims.

The claims should be carefully reviewed for clarity and definiteness.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 11, 13 and as best understood 12, 14, and 18 are rejected under 35

U.S.C. 102(b) as being anticipated by Eigenmann (US 5,823,087).

Regarding claims 1 and 2, Eigenmann discloses a press comprising: a slide (56) driveable by a first knee link element (16) and a driving device (not labeled, see figure 1), wherein the first knee link element is operatively connected by a connection element (9a) with a second knee link element (15).

Regarding claim 11, Eigenmann discloses a multi-station press comprising a plurality of individual presses (see figure 1) and a driving device (see figure 1), wherein each press having a slide (56, 57) which can be driven by a knee link element (16, 17), wherein the knee link element

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(16) of the slide (56) of the first individual press is connected by a connection element (4a) with the knee link (17) of the slide (57) of the second individual press.

Regarding claims 12 and 14, Eigenmann discloses two knee link elements operatively mounted on each slide (see figure 1), and one knee link (16) of one slide (56) being connected by the connection element (4a) with one knee link (17) of the other slide (57).

Regarding claim 13, Eigenmann discloses two connections (7, 8) operatively connecting the two knee link elements of the two slides.

Regarding claim 18, Eigenmann discloses slides (56, 57) arranged side-by-side and lockable with one another at points (7,8).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-9 and 15-17, as best as can be understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Eigenmann, as applied to claim 1 above. Eigenmann discloses each knee link element has a first lever (16a, 15a) connected to an upper element (23), and a second lever (15b, 16b) operatively mounted on the slide, wherein the first and the second lever of each knee link element are connected at hinge points (11, 12), and the connection element operatively applied to one on the hinge points; the driving device is connected to the hinge point of the first knee link element by a connecting rod (5). Eigenmann does not disclose a

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third connection lever articularly connecting the first and the second lever of each knee link element, and additional knee link elements. Mere replication of elements does not substantially warrant patentability. It would have been obvious at the time of the invention to one having ordinary skill in the art to replace Eigenmann's hinge point connection means (11, 12) with a connection lever because both Eigenmann's connection means (11, 12) and a connection lever (i.e. connecting two or more points) are equivalents in the art. Furthermore, Eigenmann's connection/hinge point (11, 12) would perform equally well with any connection means as long as the first and second lever are allowed to toggle, ultimately raising and lowering the press slide.

With regard to claim 9, as best as can be understood, mere replication of elements does not warrant patentability. Eigenmann clearly discloses a plurality of knee link (i.e. toggle) elements.

With regard to claims 15-17, as best as can be understood, mere replication of elements does not warrant patentability. Eigenmann clearly disclose the connection element. Eigenmann does not disclose the connection element having an adjustable length link. It would have been obvious to one of ordinary skill in the art at the time the invention was made to alter the length of the connection element of Eigenmann to achieve a different slide travel because these element is in linkage, and it is a well known mechanical principle that altering any member of a linkage would result in a modification of the slide travel, and once the element changed to a different size or shape, it would inherently change the adjustment/movement of the slide as well.

Claim10, as best as can be understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Eigenmann, in view of Kita (US 3,695,090). Eigenmann discloses the slide, Eigenmann does not disclose the slide has an outer slide and an inner slide and their associated

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knee link elements. However, Kita, in a similar pressing art, teaches a slide that has an outer slide (33) driven by two sets (see figure 4) of knee link elements (32) and an inner slide (21) driven by two sets (see figure 4) of knee link elements (15). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Eigenmann with the press type (inner and outer slide) of link mechanism as taught by Kita to increase productivity (see column 1, lines 50-67).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thudium et al. (EP 0101590) discloses a toggle press that has a first and a second lever, and a third connecting lever connected the first and the second lever together (see figure 1). Michael et al. (US 2,532,672), Son (US 5,592,876), Jureit et al. (US 3,520,252), Yamashina (JP 02046995 A), and Hafner (US 4,184,396) disclose presses that have similar toggle mechanism.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Nguyen whose telephone number is (703) 305-5304. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen Ostrager can be reached on (703) 308-3136. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

JTNguyen
October 24, 2002



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